

REMARKS/ARGUMENTS

The preceding amendments and following remarks are submitted in response to the Office Action mailed October 6, 2005, setting a three month shortened statutory period for response ending January 6, 2006. Claims 33-64 are pending in the application, and claims 1, 33, 48, 49, 63 and 64 have been amended. Portions of the specification and Figure 1 have also been amended in order to fix several clerical errors. Reconsideration, reexamination and allowance of all pending claims are respectfully requested.

Claims 33-64 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Staehle et al., U.S. Patent No. 6,132,458 (hereinafter Staehle) in view of Gilson et al., U.S. Publication 2002/0052626, now U.S. Patent 6,887,256 (hereinafter Gilson). The Applicants respectfully disagree with this rejection. Claims 1, 33, 48, 49, 63 and 64 have been amended. Support for these claims can be found, for example, in the paragraphs beginning at page 5, line 4, page 5, line 14, page 6, line 14, and in the accompanying Figures. In order for a combination of references to render a claim obvious, there must be a suggestion or motivation in the prior art to combine the references and each and every element of the claim must be present in the references. See M.P.E.P. §2143.01 and §2143.03.

Claim 33 recites a method of pulling a filter into a delivery sheath where the filter is longitudinally fixed on an elongate member, and wherein the elongate member proximal end is fed into the delivery sheath. Because the filter is longitudinally fixed on the elongate member, the filter can be pulled into the loading tool. In addition, such a design can lessen the importance of precisely lining up or positioning the elongate member, the filter, and the loading tool and sheath in order to pull the filter into the

loading tool and sheath. The elongate member also extends proximally from the filter, but the filter need not have a member extending distally from the filter in order to provide a means for pushing the filter into the loading tool and sheath. Because the filter is longitudinally fixed along the wire, the filter can also be pushed out of the sheath using the elongate member, which can effectively eliminate the need for a second member for deployment of the filter.

Applicants respectfully submit that Staehle does not appear to disclose at least this subject matter. Staehle discloses a method and device for stent delivery. The stent appears to be pushed into a device 10 and into a deployment tool 12. Staehle also apparently does not disclose that the stent is longitudinally fixed to an elongate member. In addition, Gilson does not appear to disclose at least the missing element of Staehle wherein a device is provided that is longitudinally fixed along an elongate member. Because each and every element of claim 33 is not present in these references, Applicants respectfully submit that the combination of Staehle and Gilson cannot render the subject matter of amended claim 33 obvious.

Further, Applicants respectfully assert that there is no motivation or suggestion in the prior art to modify Staehle with Gilson to yield the subject matter of claim 33. Again, claim 33 recites a method of loading a filter into a loading tool and sheath where the filter is longitudinally fixed to an elongate member and the elongate member can be pulled to collapse the filter into the loading tool and sheath. Even if these elements could be found in Gilson (Applicants submit above that they cannot), one of ordinary skill in the art would not modify Staehle in such a way. The device of claim 33 is a filter loading system, and it can be desirable with filters to deploy the filter and later have the ability to

retrieve the filter. With stents such as those in Staehle, however, it can be desirable to leave the stent deployed in the vasculature of a patient. For example, see column 1, lines 16-35 of Staehle. Thus, Applicants assert that one of ordinary skill in the art would not longitudinally fix a stent along an elongate member because the stent will often be staying in place and the elongate member would preferably be removable, not have a longitudinally fixed filter.

Because there is no motivation to combine Staehle and Gilson and because these references do not disclose each and every element of claim 33, Applicants respectfully submit that these references cannot render claim 33 obvious, and claim 33 is allowable. In addition, claims 49 and 64 have been amended to contain limitations similar to those discussed above with respect to claim 33. Thus, Applicants assert that these claims are also allowable. Further, because they are dependent on claims 33, 49 and 64 and because they contain additional patentably distinct elements, Applicants assert that claims 34-48 and 50-63 are also allowable.

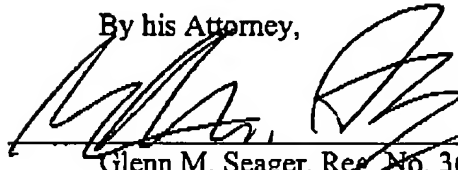
In view of the foregoing, Applicant respectfully submits that all pending claims are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner would like to discuss the Application or its examination, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

SCOTT R. PETERSEN

By his Attorney,

Date: Jan 3, 2006



Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Tel: (612) 677-9050